

4

Notice of Allowability

Application No.

09/879,866

Examiner

Vincent P. Barth

Applicant(s)

SHUSTER ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 7 July 2004.
2. ☒ The allowed claim(s) is/are 11-20.
3. ☒ The drawings filed on 3 Jan. 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Preliminary Comments

1. Applicants' Amendment dated 7 July 2004 has placed the Application in a condition for allowance as written. Accordingly, the following represents a reasoned statement for allowability.

Allowable Subject Matter

2. Claims 11-20 are allowable, since the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations set forth therein.


3. Referring to Claim 11, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method for analyzing irregularities formed in a surface of a rotatable article comprises obtaining a plurality of representations of different, relatively small areas of the irregularities, processing the plurality of representations to generate a single representation of a relatively large areas, and analyzing the single representation of the relatively large area to determine the presence of a preferential lead, in combination with the remaining limitations in the claim. Claims 12-20 are allowable based on their dependency upon the claim from which each is dependent.

Comments

4. Applicants have argued in the Amendment dated 7 July 2004 (Remarks, 3d para.) that the Sones reference discloses a system for inspecting a container which is known to have a threaded surface *a priori*, and thus to determine the thread quality. Applicants argue further that by contrast, the instant invention determines whether a preferential lead is present. The Examiner has considered this argument, and finds it persuasive. In particular, the instant Specification defines a so-called preferential lead as a surface contour in which the shaft has sufficiently large irregularities so as to form irregularities that function as a helical thread (Specification, pg. 2, lns. 12-20). Thus, the instant invention is distinguishable over the Sones reference, as well as other references or combinations of references, since the instant claim language explicitly includes a limitation in which the method determines whether a preferential lead is present, along with the remaining limitations. Accordingly, the rejections set forth in the previous Office Action are withdrawn.

CONCLUSION

5. Applicants' Claims 11-20 are allowed based on the reasons set forth above.
6. Applicant has canceled Claims 1-10.
7. Any inquiries concerning this communication from the Examiner should be directed to Vincent P. Barth, whose telephone number is 571-272-2410, and who may be ordinarily reached from 9:00 a.m. to 5:30 p.m., Monday through Friday. The official fax number for communications to the group is 703-872-9306.
8. If attempts to reach the Examiner prove unsuccessful, the Examiner's supervisor is Gregory Toatley, who may be reached at 571-272-2059.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard A. Rosenberger
Primary Examiner